IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.1813 OF 2004 .

IN

FIRST APPEAL STAMP NO.26499 OF 2002.

Smt.Manda Vasant Iste & ors. : Applicants.

versus

Sanjay Vithal Gosavi & ors. : Respondents.

Smt.Smita Gaidhani for the applicants.

CORAM : D.G.DESHPANDE,J.

DATED : 11th July 2005.

ORAL ORDER

1. This is an application for condonation of delay of 43 days. Notice was issued to the respondents. Office note shows that notice of Respondent No.1 returned unserved with remark "Incomplete Address". Address of respondent No.1 as given in the appeal memo is "Bajarang Wadi, Poona Road, Nasardi Bridge, Nashik". Counsel for

the applicants states that in the judgment of the trial Court same address is given and Respondent No.1 had appeared before the trial Court through his advocate as is clear from the judgment. In view of this fact and also looking to the fact that since last one year Respondent No.1 is avoiding service, this service is sufficient. Address is proper. Other respondents have been served. Nobody is present for them. Delay is of 43 days. It has been satisfactorily explained. Therefore, civil application is allowed. Delay is condoned. Put up the appeal for admission after two weeks. Civil Application is disposed of.

[D.G.DESHPANDE]